

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VSL DOKUMENTIKOS NAMAI,

Plaintiff,

- against -

GROUP NINE MEDIA, INC.

Defendant.

Docket No. 17-cv-6303

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff VSL Dokumentikos Namai (“Namai” or “Plaintiff”) by and through its undersigned counsel, as and for its Complaint against Defendant Group Nine Media, Inc., (“Nine” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of a mummy owned and registered by Namai, a news outlet based in Lithuania. Accordingly, Namai seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacting doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Namai is a news outlet in the business of licensing its photographs to online and print outlets for a fee having a usual place of business at Odminių g. 8 Vilnius LT-01122-Lithuania.

6. Upon information and belief, Nine is a foreign business corporation duly organized and existing under the laws of the State of New York, with a place of business at 586 Broadway, New York, New York 10012. At all times material hereto, Nine has owned and operated a website at the URL: www.Seeker.com (the “Website”)

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Namai is the copyright claimant of a photograph of a mummy (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. The Photograph has a pending United States Copyright Registration of 1-5513568741. See Exhibit B.

B. Defendant’s Infringing Activities

9. On December 8, 2016, Nine ran an article on the Website entitled *A 17th Century Child Mummy Just Rewrote the History of Smallpox*. See <https://www.seeker.com/a-17th-century-child-mummy-just-rewrote-the-history-of-smallpox-2135947423.html>. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit C.

10. Nine did not license the Photograph from Plaintiff for its article, nor did Nine have Plaintiff’s permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST NINE)
(17 U.S.C. §§ 106, 501)

11. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-10 above.

12. Nine infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Nine is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

13. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

14. Upon information and belief, the foregoing acts of infringement by Nine have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

15. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Nine be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;

3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
August 20, 2017

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard P. Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580
Tel: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff VSL Dokumentikos Namai